

May 16, 2024

VIA ECF

Honorable Jennifer L. Rochon  
 United States District Court  
 for the Southern District of New York  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl St.  
 New York, NY 10007-1312

Re: Tepley v. Gro Intelligence, Inc. et al  
24-cv-03075-JLR

Dear Judge Rochon,

We represent Plaintiff Allison Tepley in the above-referenced matter. Pursuant to Your Honor's Individual Practices, Section 1(F), we respectfully request an extension of time to file a motion to remand, originally due May 22, 2024, to and through June 5, 2024.

This is the first request for extension due to extenuating motion, deposition, and mediation scheduling and personal circumstances.

Thank you very much for your consideration of this matter.

Very truly yours,



Tiffany Ma

cc: Defendants' Counsel (via ECF)

The request is DENIED. "A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal." 28 U.S.C. § 1447(c). This deadline is "plainly mandatory." *Phoenix Glob. Ventures, LLC v. Phoenix Hotel Assocs., Ltd.*, 422 F.3d 72, 75 (2d Cir. 2005). Thus, the Court treats Section 1447(c)'s 30-day deadline as a mandatory claim-processing rule, which, "[i]f properly invoked . . . must be enforced, but . . . may be waived or forfeited." *Hamer v. Neighborhood Hous. Servs. of Chi.*, 583 U.S. 17, 20 (2017); *see Phoenix Glob. Ventures*, 422 F.3d at 75 (explaining that Section 1447(c) deadline is mandatory but not jurisdictional).

Unless Defendants waive or forfeit their right under Section 1447(c) to a timely remand motion within 30 days of removal, the Court is not at liberty to grant Plaintiff's request for an extension. *See, e.g., Harleysville Worcester Ins. Co. v. Sompo Jap. Ins. Co. of Am.*, 2021 WL 5154130, at \*2 (S.D.N.Y. Nov. 5, 2021) (granting extension on motion to remand with defendant's consent); *Radium2 Cap., Inc. v. NDGS, LLC*, 2019 WL 3821755 (W.D.N.Y. Aug. 15, 2019) (defendants waived § 1447(c) right by stipulation); *cf. Pate v. City of Rochester*, 579 F. Supp. 3d 417, 421-23 (W.D.N.Y. 2022) (denying untimely motion to remand and collecting cases). Absent such consent from Defendants, or unless the defect alleged is a lack of subject-matter jurisdiction, Plaintiff shall file her motion to remand by **May 22, 2024**.

**SO ORDERED.**



JENNIFER L. ROCHON  
 United States District Judge

Dated: May 16, 2024

New York, New York

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